



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. Phil Rosenman
Hall & Associates
1620 I St. NW, Suite 701
Washington, DC 20006

DEC 28 2016

Re: Freedom of Information Act Request EPA-R3-2017-000718

Dear Mr. Rosenman,

This letter is in response to your refined Freedom of Information Act (FOIA) request referenced above regarding records related to the U.S. Environmental Protection Agency's (EPA) September 8, 2016 Second Reconsideration of the Nutrient TMDL for the Indian Creek Watershed in Pennsylvania. The original FOIA request dated October 25, 2016 seeks any and all records concerning:

EPA's review, consideration, and evaluation of Telford's second reconsideration request, including any that were authored by EPA Headquarters, EPA's contractors, and/or Pennsylvania Department of Environmental Protection. These records would include, but would not be limited to, internal analyses, memoranda, emails, evaluations, and discussion summaries.

During a December 13, 2016 telephone conversation, EPA discussed possible ways to refine the original FOIA request dated October 25, 2016 to reduce estimated costs provided by EPA in a letter dated November 29, 2016. EPA sent an email dated December 13, 2016 that outlined the possible refinements discussed. In an email dated December 14, 2016, you clarified your original request to limit the FOIA request referenced above to responsive documents generated from December 23, 2014 (date of the second reconsideration request) to September 8, 2016 (date of EPA's second reconsideration decision). As requested, EPA has revised its cost estimate based on this clarification.

In the original request, you asked to be contacted if the associated search and duplication costs are anticipated to exceed \$250.00. You were placed in the commercial fee category, which means you will be charged for search, review, and duplication costs in accordance with the Agency's regulations under 40 C.F.R. Part 2, Subpart A. Due to the voluminous number of records requested to be searched, the costs to process this FOIA request will exceed \$250.00.

EPA has estimated that the aggregate cost to process your request as \$800.00. This total is based on the number of hours for staff to search for, review, and process responsive records, using the appropriate rates contained in 40 C.F.R. § 2.107(c)(2). Because we have determined that the cost to process your request will be more than \$25.00, and more than the amount that you indicated that you would be willing to pay, pursuant to 40 CFR § 2.107(e), we are obligated to notify you of the estimated cost of



processing your request. Since we have determined or estimated that the cost to process your request will be more than \$250.00, we must receive your assurance of payment pursuant to 40 CFR § 2.107(j)(2). Upon receipt of your assurance of payment, we will complete the processing of your request and forward the requested documents to you.

Below is the estimated cost for processing your request. These estimates include search and review time. The actual amount to process your request may be more or less than the estimated amounts as shown below. If the actual costs fall below the provided estimate, you will only be billed the actual cost amount. If we find that the provided estimate will be insufficient to cover actual costs, we will complete work up to the amount in the assurance of payment, provide you with an estimate of fees for the remainder of work, and seek assurance of payment before completing the remainder of work. When we have completed processing your request, we will provide you with a bill which reflects the actual amount of time spent in processing your request.

Office of Standards, Assessment and TMDLs

13 hours search/review time at \$28.00 per hour professional personnel = \$364.00

4 hours review at \$41.00 per managerial personnel = \$164.00

Office of Regional Counsel

8 hours review at \$28.00 per hour professional personnel = \$224.00

Water Protection Division

3 hours scanning time at \$16.00 per hour clerical personnel = \$48.00

Total: $\$364.00 + \$164.00 + \$224.00 + \$48.00 = \$800.00$

If you would like to narrow the scope of your request and thus reduce the cost incurred for documents responsive to it, please contact Jennifer Sincock at (215) 814-5766. If we have not heard from you by no later than January 12, 2017, we will assume that you are no longer interested in pursuing the request referenced herein and will consider the request closed. If at a later date you are still interested in pursuing your request, you may resubmit a FOIA request to FOIAonline or to the Freedom of Information Officer at the above address.

If you have any questions, please do not hesitate to contact Jennifer Sincock at (215) 814-5766.

Sincerely,



Evelyn S. MacKnight

Associate Director

Office of Standards, Assessment and TMDLs

Enclosure

cc: Rita Tate, FOIA Officer